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EXAMINER

LY, NGHI H

ART UNIT PAPER NUMBER

2686

DATE MAILED: 11/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/923,492

Applicant(s)

WILLNER ET AL.

Examiner

Nghi H. Ly

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 July 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4,6-28 and 30-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4,6-28 and 30-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

2. Claims 1-4, 6-22, 24-28, 30 and 31 are rejected under 35 U.S.C. 102(a) as being anticipated by Caci (US 6,154,658).

Regarding claims 1, 25, 28, 30 and 31, Caci teaches a method, comprising: storing at a vehicle device information about at least one item (see column 8, lines 21-55, in Caci, the “load” reads on applicant’s “item”) stored in a vehicle (see column 13, lines 24-27 and column 26, lines 1-6), determining a current location associated with the vehicle, determining governmental requirement information based on the current location (see column 8, lines 21-55), determining that a vehicle route violates the governmental requirement information based on the information about the at least item stored within the vehicle (see column 13, lines 24-27 and column 26, lines 1-6 and column 8, lines 33-34, see “*within acceptable level*”), and proposing an alternate route to a driver of the vehicle (see column 8, lines 34-38).

Regarding claim 2, Caci further teaches the location information is associated with at least one of: (i) latitude and longitude information, (ii) map coordinate information, (iii) a location type, or (iv) an indication of a geographic region (see fig.2 GPS 14).

Regarding claim 3, Caci further teaches the determination of the location information is performed via at least one of (i) a global positioning system device, (ii) a wireless communication network device, (iii) a wireless telephone, or (iv) a Bluetooth device (see fig.2 GPS 14).

Regarding claim 4, Caci further teaches the requirement information is associated with at least one of: (i) a law, (ii) a regulation, or (iii) a rule (see column 8, lines 21-5).

Regarding claim 6, Caci further teaches the vehicle is associated with at least one of: (i) an automobile, or (ii) a container (column 8, lines 21-5, see "vehicle").

Regarding claims 7 and 10, Caci further teaches receiving the location information at a requirement controller from a remote user device (see fig.2, wireless connection with antennas 38 and 74).

Regarding claims 8 and 12, Caci further teaches receiving occurs at least one of: (i) periodically, (ii) upon a change in a location type, or (iii) in association with a requirement request (see column 1, lines 26-30 and column 23, lines 60-67).

Regarding claim 9, Caci further teaches transmitting the governmental requirement information to the vehicle device (see column 1, lines 26-30 and column 23, lines 60-67).

Regarding claim 11, Caci further teaches transmitting the location information to the requirement controller (see column 21, lines 23-26).

Regarding claim 13, Caci further teaches at least one of the following are also transmitted from the vehicle device to the requirement controller: (i) a user identifier, (ii)

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a vehicle identifier, (iii) a requirement request, (iv) a requirement type, (v) user preference information, or (vi) supplemental information (see column 21, lines 23-26).

Regarding claim 14, Caci further teaches receiving the requirement information from the requirement controller (see column 21, lines 23-26).

Regarding claim 15, Caci further teaches arranging for an indication to be provided to the user in accordance with the requirement information (see column 1, lines 8-12, "voice").

Regarding claim 16, Caci further teaches the indication comprises at least one of: (i) text information, (ii) audio information, or (iii) graphical information see column 1, lines 8-12, "voice").

Regarding claim 17, Caci further teaches the indication includes at least one of: (i) a description of a requirement, or (ii) a penalty associated with the requirement (see column 1, lines 8-12, "route control").

Regarding claim 18, Caci further teaches the facilitating is further based on supplemental information (see column 1, lines 26-30 and column 23, lines 60-67).

Regarding claim 19, Caci further teaches the supplemental information is associated with at least one of: (i) operation of a user device, (ii) weather information, (iii) a current time, (iv) a current date and (v) user information (see column 1, lines 26-30 and column 23, lines 60-67).

Regarding claim 20, Caci further teaches automatically arranging for a vehicle device to operate in accordance with the requirement information (see column 1, lines 26-30 and column 23, lines 60-67).

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Regarding claims 21 and 24, Caci further teaches the determination of the location information is performed by a vehicle device (see fig.2 GPS 14), and the vehicle device determines requirement information via a local location dependent requirement database (see column 20, lines 64-67).

Regarding claims 22 and 26, Caci further teaches the determination of the requirement information is associated with at least one of: (i) a location dependent requirement database (see column 20, lines 64-67), (ii) a rules-based system, (iii) a statistical analysis, (iv) human judgment, or (v) a third-party service (see column 1, lines 26-30 and column 23, lines 60-67).

Regarding claim 27, Caci further teaches a communication device coupled to the processor (fig.2, see computer 12) and adapted to communicate with at least one of: (i) a user device, (ii) a requirement controller, (iii) a supplemental information device, and (iv) a payment device (fig.2, the connection between computer 12 and other devices).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Caci (US 6,154,658) in view of Tendler (US 6,519,463).

Regarding claims 23, Caci teaches claim 1. Caci does not specifically disclose arranging to receive payment in exchange for facilitating compliance with the location dependent requirements.

Tender teaches arranging to receive payment in exchange for facilitating compliance with the location dependent requirements (see column 5, lines 14-21 and column 6, lines 1-5).

Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to provide the teaching of Tender into the system of Caci so that the provider can collect the service fee from the user.

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6. Claim 32 is rejected under 35 U.S.C. 103(a) as being unpatentable over Caci (US 6,154,658) in view of Hertel (US 5,532,690).

Regarding claim 32, Caci teaches the method of claim 31. Caci does not specifically disclose the governmental requirement is a hazardous material requirement.

Hertel teaches the governmental requirement is a hazardous material requirement (see column 6, lines 1-3).

Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to provide the teaching of Hertel into the system of Caci so that pollution could be prevented.

7. Claims 33, 34 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Caci (US 6,154,658) in view of Hertel (US 5,532,690) and further in view of Hoyt et al (US 6,397,163).

Regarding claim 33, the combination of Caci and Hertel teaches the method of claim 32. The combination of Caci and Hertel does not specifically disclose the vehicle includes a container the vehicle device comprises a container device.

Hoyt teaches the vehicle includes a container the vehicle device comprises a container device (see column 10, line 59 to column 11, line 15).

Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to provide the teaching of Hoyt into the system of Caci and Hertel in order to prevent the explosion.

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Regarding claim 34, Caci further teaches determining the governmental requirement information includes the container device receiving the governmental requirement information from a requirement controller (see column 1, lines 26-30 and column 23, lines 60-67).

Regarding claim 35, Caci as modified by Hoyt does not specifically disclose determining the governmental requirement information comprises the container device transmitting the information about the at least one item stored within the vehicle to a requirement controller.

Hertel teaches determining the governmental requirement information comprises the container device transmitting the information about the at least one item stored within the vehicle to a requirement controller (see Hertel, column 6, lines 1-15, see "cargo monitoring". In order to monitor, the teaching of Hertel inherently teaches applicant's "transmitting the information about the at least one item stored within the vehicle to a requirement controller").

Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to provide the teaching of Hertel into the system of Caci and Hoyt so that pollution could be prevented.

Response to Arguments

8. Applicant's arguments with respect to claims 1-4, 6-28 and 30-35 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nghi H. Ly whose telephone number is (703) 605-5164. The examiner can normally be reached on 8:30 am-5:30 pm Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold can be reached on (703) 305-4379. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nghi H. Ly

10/24/04

Ch Appiah
CHARLES APPIAH
PRIMARY EXAMINER